



Gender, Politics, and Islamic Law

Volume I

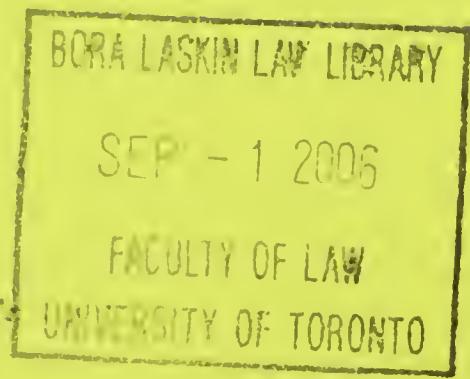
Professor Anver Emon

Fall 2006

**Faculty of Law
University of Toronto**



These materials have been reproduced for the exclusive use of students in the Faculty of Law, University of Toronto and not for sale or reproduction.



Gender, Politics, and Islamic Law

Volume I

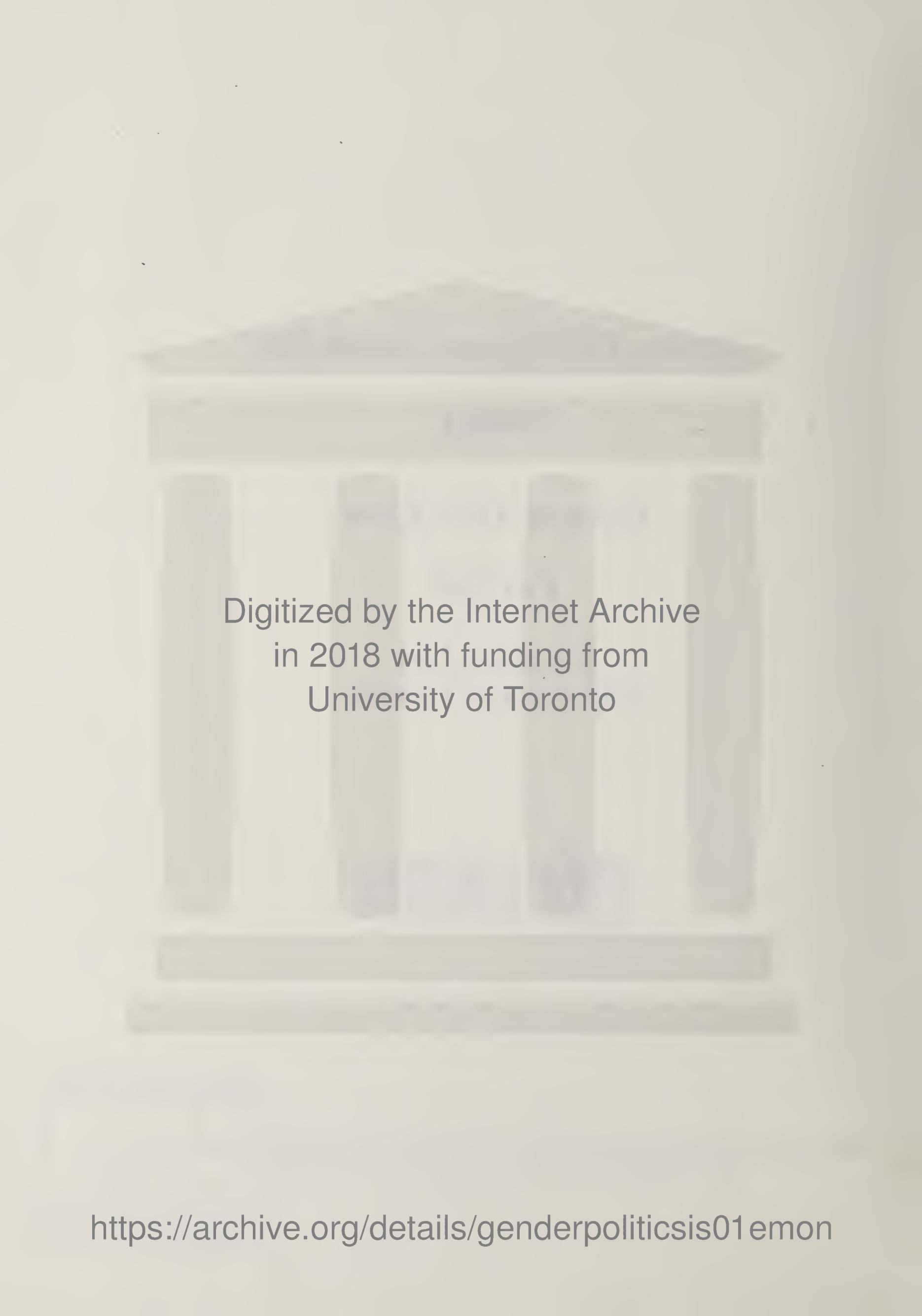
Professor Anver Emon

Fall 2006

**Faculty of Law
University of Toronto**



These materials have been reproduced for the exclusive use of students in the Faculty of Law, University of Toronto and not for sale or reproduction.



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/genderpoliticsis01emon>

Gender, Politics, and Islamic Law

Dr. Anver Emon
Faculty of Law
University of Toronto
Fall 2006

Table of Contents Volume I

Week 2: Gender, Power, and the Context of Difference

Joan W. Scott. "Gender: A Useful Category of Historical Analysis."	1
Anne McClintock. "Family Feuds: Gender, Nationalism and the Family."	14
Denise Kandiyoti, "Women, Islam and the State."	34
Lila Abu-Lughod. "Do Muslim Women Really Need Saving?"	40

Week 3: Women in Islamic History: Socio-Economic and Political Backdrop of Early Legal Development

Leila Ahmed, <i>Women and Gender in Islam</i>	48
Qur'an, 2:221-242, 4:1-42, 4:127-134, 33:35.....	99
Muhammad b. al-Hasan al-Shaybani, <i>the Muwatta of Imam Muhammad</i>	117

NB: The *Muwatta* was a text of Medinan traditions and law from Malik b. Anas (d. 796 CE), the eponym of the Maliki school of law. Al-Shaybani (d. 805), a Hanafi jurist, compiled one version of the text and included the Hanafi position.

Glossary of terms for the Muwatta' readings

Fuqaha – jurists/lawyers
Ghusl – major purification ritual, or bath
Li'an – accusation of adultery against a spouse
Wudu – minor purification ritual

Week 4: Islamic law – History, Foundations, and Adjudication

M. Cherif Bassiouni and Gamal M. Badr, "The Shari'ah: Sources, Interpretation and Rule-Making."	137
Bernard Weiss, "Interpretation in Islamic law."	161
Ronald C. Jennings, "Women in Early 17 th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri."	175
Qur'an, 3:1-9	241

Majid Khadduri, trans., <i>al-Shafi'i's Risala: Treatise on the Foundations of Islamic Jurisprudence</i>	243
--	-----

NB: Al-Shafi'i (d. 820) is the eponym for the Shafi'i school of law. His *Risala* is considered the earliest extant work of Islamic legal theory. The second above addresses the authority of juristic interpretations, especially in cases where there is disagreement.

Glossary of Terms for Risala reading

Ijtihad – independent interpretation and analysis

Mujtahid -- one who engages in *ijtihad*

Qibla -- The direction in which Muslims pray, facing the Ka'ba in Mecca.

Week 5: Introduction to Classical Muslim Family Law: Marriage, Divorce, Financial Rights

Jamal J. Nasir, <i>The Islamic Law of Personal Status</i>	249
---	-----

Women Living Under Muslim Laws, <i>Knowing Our Rights</i>	301
---	-----

Week 6: Special Topics in Classical Muslim Family Law

Reproductive rights

B.F. Musallam, <i>Sex and Society in Islam: Birth Control before the Nineteenth Century</i>	322
---	-----

Children's Rights/Parentage

Nasir, <i>The Islamic Law of Personal Status</i>	339
--	-----

Margaret L. Meriwether, "The Rights of Children and the Responsibilities of Women."	355
---	-----

Defining Gender

Paula Sanders, "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law."	364
---	-----